

Staff Report



Development Services Department

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REPORT TO: Planning and Strategic Initiatives Committee

DATE OF MEETING: September 12, 2022

SUBMITTED BY: Stevenson, Garrett - Interim Director of Planning, 519-741-2200 ext. 7070

PREPARED BY: Dumart, Craig – Senior Planner, 519-741-2200 ext. 7073

WARD(S) INVOLVED: Ward 9

DATE OF REPORT: August 4, 2022

REPORT NO.: DSD-2022-401

SUBJECT: Official Plan Amendment OPA22/005/O/CD
Zoning By-law Amendment ZBA22/008/O/CD
368, 372, 374 and 382 Ottawa St. South 99, 103, 107, 111 and 115
Pattandon Avenue
St. Mary Coptic Orthodox Church, Kitchener, Ontario; Coptic
Orthodox Patriarchate Saint Maurice Coptic

RECOMMENDATION:

That Official Plan Amendment Application OPA/22/005/O/CD for The St. Mary Coptic Orthodox Church, Kitchener, Ontario; Coptic Orthodox Patriarchate Saint Maurice Coptic requesting a change in land use designation from 'Low Rise Residential' to 'Medium Rise Residential' with Site Specific Policy Area No. 54 to permit a multiple residential dwelling development on the lands specified and illustrated on Schedule 'A', be adopted, in the form shown in the Official Plan Amendment attached to Report DSD-2022-401 as Appendix 'A', and accordingly forwarded to the Region of Waterloo for approval; and

That Zoning By-law Amendment Application ZBA22/008/O/CD for The St. Mary Coptic Orthodox Church, Kitchener, Ontario; Coptic Orthodox Patriarchate Saint Maurice Coptic be approved in the form shown in the 'Proposed By-law', and 'Map No. 1', attached to Report DSD-2022-401 as Appendix 'A'; and further

That in accordance with Planning Act Section 45 (1.3 & 1.4), applications for minor variances shall be permitted for lands subject to Zoning By-law Amendment Application ZBA22/008/O/CD.

REPORT HIGHLIGHTS:

- The purpose of this report is to evaluate and provide a planning recommendation regarding the Official Plan Amendment and Zoning By-law Amendment applications for the subject lands located at 368, 372, 374 and 382 Ottawa Street South 99, 103, 10 111 and 115 Pattandon Avenue. It is planning staff's recommendation that the Official Plan and Zoning By-law Amendments be approved.

*** This information is available in accessible formats upon request. ***
Please call 519-741-2345 or TTY 1-866-969-9994 for assistance.

- The proposed Amendments support the development of ‘missing middle’ housing in a Major Transit Station Area.
- Community engagement included:
 - circulation of a preliminary notice letter to property owners and residents within 240 metres of the subject site;
 - installation two large billboard notice signs on the properties;
 - follow up one-on-one correspondence with members of the public;
 - Neighbourhood Meeting held on June 16, 2022;
 - postcard advising of the statutory public meeting was circulated to all property owners within 240 metres of the subject site, those who responded to the preliminary circulation; and those who attended the Neighbourhood Meetings;
 - notice of the public meeting was published in The Record on August 19, 2022.
- This report supports the delivery of core services.

EXECUTIVE SUMMARY:

The property owners of the subject lands addressed as 368, 372, 374 and 382 Ottawa Street South 99, 103, 107, 111 and 115 Pattandon Avenue are proposing to change the Official Plan designation from ‘Low Rise Residential’ to ‘Medium Rise Residential’ with Site Specific Policy Area No. 54’ in the City of Kitchener Official Plan, and to change the zoning from ‘Residential Five Zone (R-5)’ in Zoning By-law 85-1 to ‘Medium Rise Residential Six Zone (RES-6)’ in Zoning By-law 2019-051 with a Site Specific Provision to further regulate parking; to regulate building heights adjacent to low rise residential zones; to increase the Floor Space Ratio (FSR); to allow for a decreased parking rate and to apply a Holding Provision to require an updated noise study. Staff are recommending that the applications be approved.

BACKGROUND:

The St. Mary Coptic Orthodox Church, Kitchener, Ontario and the Coptic Orthodox Patriarchate Saint Maurice Coptic have made applications to the City of Kitchener for an Official Plan Amendment and a Zoning By-law Amendment proposing to change the land use designation and zoning of the lands at 368, 372, 374 and 382 Ottawa Street South 99, 103, 107, 111 and 115 Pattandon Avenue to permit the lands to be developed with a 8-storey, 166 unit multiple residential dwelling building. The proposed development includes 157 parking spaces proposed to be underground and internal to the building and on the surface. The lands are designated ‘Low Rise Residential’ in the 2014 City of Kitchener Official Plan and zoned ‘Residential Five Zone (R-5)’ in Zoning By-law 85-1.

The existing zoning permissions permit low rise built form dwellings including multiple dwellings (up to 3 units), semi-detached dwellings, single detached and duplex dwellings and detached additional dwelling units.

Site Context

The subject lands are addressed as 368, 372, 374 and 382 Ottawa Street South 99, 103, 107, 111 and 115 Pattandon Avenue and are located at the intersection of Ottawa Street South and Pattandon Avenue. The consolidated subject properties have a combined lot area of 0.54 hectares (1.3 acres) with approximately 52 metres of frontage along Ottawa Street South and 105 metres of frontage along Pattandon Avenue. The subject lands are currently occupied by single detached dwellings (9 in total). The surrounding neighbourhood consists of a variety of uses including commercial buildings, industrial buildings, medium-rise residential uses, single detached dwellings, low-rise multiple dwelling buildings, and institutional buildings. Directly across the street to the north of the property along Pattandon Avenue is an institutional building (religious institution) and single detached dwellings, abutting the subject lands to the south is an institutional building (religious institution), to the west are single detached dwellings along Pattandon Avenue and to the east are

industrial zoned properties. The subject lands are located within 100 metres of the Mill ION LRT station stop, which is located at the intersection of Mill Street and Ottawa Street South. Existing bus routes operate along Ottawa Street and there are walking, and bike trails located nearby.

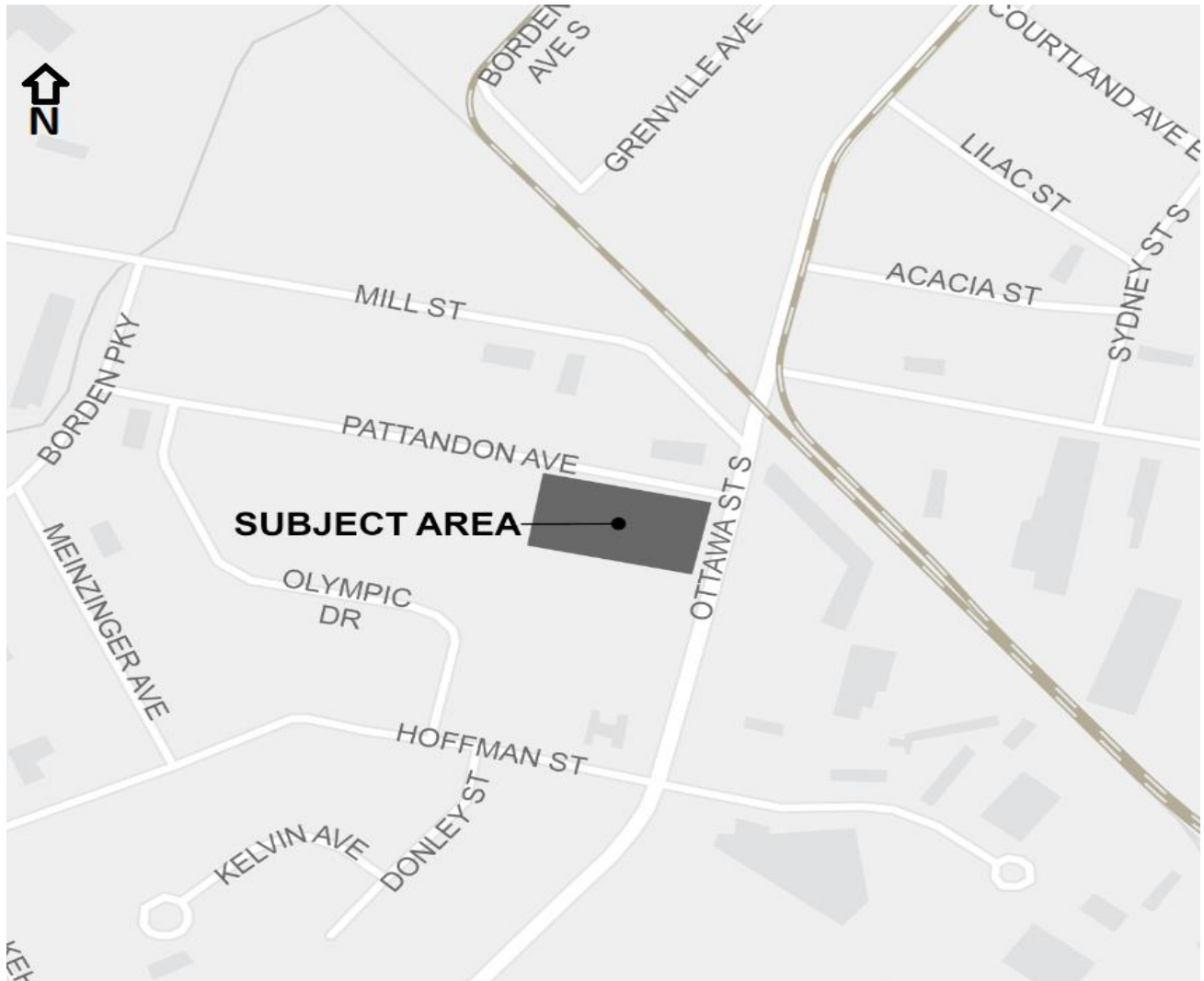


Figure 1 - 368, 372, 374 and 382 Ottawa Street South 99, 103, 107, 111 and 115 Pattandon Avenue

REPORT:

The applicant is proposing to develop the subject lands with an 8-storey multiple residential dwelling with the built form oriented located along Ottawa Street South and Pattandon Avenue. The proposed development consists of 166 residential units, including 110 one-bedroom units, 49 two-bedroom units, and 7 three-bedroom units, with 157 parking spaces located both underground and in the rear yard. The portion of the building with frontage along Pattandon Avenue includes a building step back from floor 6 to floor 8 providing a compatible transition to the adjacent low rise residential neighbourhood. The principal entrance to the development is proposed to be located directly at the corner of Pattandon and Ottawa Street South and includes two vehicular accesses, one from Ottawa Street South and one from Pattandon Avenue.

Table 1 below highlights the development concept statistics while Figures 2, 3 and 4 show the proposed development concept site plan and renderings of the development proposal.

Table 1. Proposed Development Concept Statistics

	Development Concept
Number of Units	166 residential units
Parking Spaces	157 parking spaces
Parking Rate	0.84 spaces per units plus 0.1 visit spaces per unit.
Building Height	25 metres, 8 storeys
Floor Space Ratio	2.5
Underground parking spaces	110 Parking Spaces
Surface Parking Spaces	47 Parking Spaces
Unit Types	1 bedroom units (110) 2 bedroom units (49) 3 bedroom units (7)
Rear yard building setbacks to low rise residential neighbourhood	4 - 6 storeys: minimum 22.5 metre setback 7 storeys: minimum 26.2 metre setback 8 storeys: minimum 33.3 metre setback.

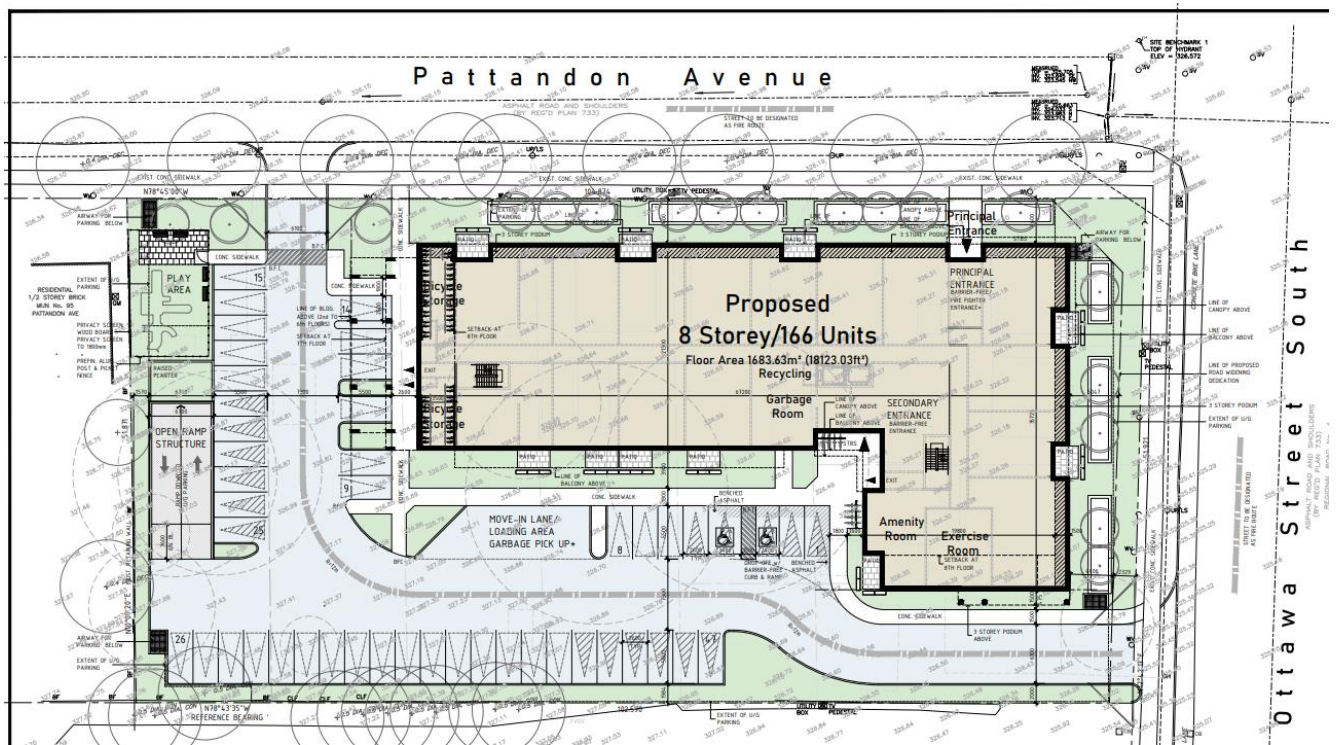


Figure 2 – Development Concept Site Plan



Figure 3 –Development Rendering: Corner of Ottawa Street South and Pattandon Avenue perspective.



Figure 4 –Development Rendering: Building step backs and height transition located along Pattandon Avenue

To facilitate the redevelopment of the subject lands with the proposed development concept, an Official Plan Amendment and a Zoning By-law Amendment are proposed to change the land use designation and zoning of the subject lands. The lands are currently designated 'Low Rise Residential' in the 2014 City of Kitchener Official Plan and zoned 'Residential Five Zone (R-5)' in Zoning By-law 85-1.

The owner is proposing to change the land use designation to 'Medium Rise Residential with Site Specific Policy Area No. 54' in the City of Kitchener Official Plan to allow for a Floor Space Ratio (FSR) of 2.5, and to change the zoning to 'Medium Rise Residential Six Zone (RES-6)' in Zoning By-law 2019-051 with Site Specific Provision (348) to further regulate parking; to regulate building heights adjacent to low rise residential zones; to increase the Floor Space Ratio (FSR); and to apply a Holding Provision to require an updated noise study to the satisfaction of the Region of Waterloo.

Planning Analysis:

Planning Act, R.S.O. 1990, c. P.13 25.

Section 2 of the Planning Act establishes matters of provincial interest and states that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- k) The adequate provision of employment opportunities;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

These matters of provincial interest are addressed and are implemented through the Provincial Policy Statement, 2020, as it directs how and where development is to occur. The City's Official Plan is the most important vehicle for the implementation of the Provincial Policy Statement, 2020 and to ensure Provincial policy is adhered to.

Provincial Policy Statement, 2020:

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Section 1.4.3(b) of the PPS promotes all types of residential intensification, and sets out a policy framework for sustainable, healthy, liveable and safe communities. The PPS promotes efficient development and land use patterns, as well as accommodating an appropriate mix of affordable and market-based residential dwelling types with other land uses, while supporting the environment, public health and safety. Provincial policies promote the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs. To support provincial policies relating to the optimization of infrastructure, transit and active transportation, the proposed designation and zoning facilitate a compact form of development which efficiently uses the lands, is in close proximity to transit options including bus, rapid transit, and makes efficient use of both existing roads and active transportation networks. The lands are serviced and are in proximity to parks, trails and other community uses. Provincial policies are in support of

providing a broad range of housing. The proposed multiple dwelling development represents an attainable form of market-based housing.

Planning staff is of the opinion that the proposed application will facilitate the intensification of the subject property with a multiple dwelling development that is compatible with the surrounding community, helps manage growth, is transit supportive and will make use of the existing infrastructure. No new public roads would be required for the proposed development and Engineering staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands.

Based on the foregoing, staff is of the opinion that this proposal is in conformity with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan):

The Growth Plan supports the development of complete and compact communities that are designed to support healthy and active living, make efficient use of land and infrastructure, provide for a range and mix of housing types, jobs, and services, at densities and in locations which support transit viability and active transportation. Policies of the Growth Plan promote growth within strategic growth areas including major transit station areas, in order to provide a focus for investments in transit and other types of infrastructure.

Policy 2.2.6.1(a) states that municipalities will support housing choice through the achievement of the minimum intensification and density targets in this plan by identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents.

Policies 2.2.1.4 states that complete communities will:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- d) expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;
 - ii. public service facilities, co-located and integrated in community hubs;
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
 - iv. healthy, local, and affordable food options, including through urban agriculture;
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- g) integrate green infrastructure and appropriate low impact development.

The Growth Plan supports planning for a range and mix of housing options and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities.

Policy 2.2.4 requires that planning be prioritized for MTSAs on priority transit corridors, including zoning in a manner that implements the policies of the Growth Plan. MTSAs on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per

hectare for those that are served by light rail transit or bus rapid transit. The Region of Waterloo's ION is a form of light rail transit and the ION stations are Major Transit Station Areas (MTSAs) that are required to achieve the minimum density target of 160 residents and jobs combined per hectare.

The subject lands are located within the City's delineated built up area, and within a Major Transit Station Area. The lands are identified as a MTSA in the 2014 Kitchener Official Plan. In the City's Official Plan on Map 2 – Urban Structure the lands appear within the MTSA circle for the Borden station. The Region of Waterloo commenced the Regional Official Plan Review project and as part of that work, revised MTSA boundaries were endorsed by Regional Council in April 2021 (and approved in August 2022) and these lands are within the Borden Station MTSA. The proposed development represents intensification and will help the City achieve density targets in the MTSA. The proposed designation and zoning will support a higher density housing option that will help make efficient use of existing infrastructure, parks, roads, trails and transit. The proposed development is also proposing to include several unit types with direct access to Pattandon Avenue and Ottawa Street, increasing the variety of housing options for future residents. Planning staff is of the opinion that the applications conform to the Growth Plan.

Regional Official Plan (ROP):

Urban Area policies of the ROP identify that the focus of the Region's future growth will be within the Urban Area. The subject lands are designated Built-Up Area in the ROP. The proposed development conforms to Policy 2.D.1 of the ROP as this neighbourhood provides for the physical infrastructure and community infrastructure to support the proposed residential development, including transportation networks, municipal drinking-water supply and wastewater systems, and a broad range of social and public health services. Regional policies require Area Municipalities to plan for a range of housing in terms of form, tenure, density and affordability to satisfy the various physical, social, economic and personal support needs of current and future residents.

The Region of Waterloo has identified that the subject lands are located within potential intensification corridor as part of the Regional Official Plan review and are an appropriate location for intensification. The subject lands are within the Major Transit Station Area (MTSA) boundary that was endorsed by Regional Council in April 2021 (and approved in August 2022). The Region of Waterloo have indicated they have no objections to the proposed application or to higher density within the MTSA area. (Appendix 'D'). Planning staff are of the opinion that the applications conform to the Regional Official Plan.

City of Kitchener Official Plan (OP)

The City of Kitchener OP provides the long-term land use vision for Kitchener. The vision is further articulated and implemented through the guiding principles, goals, objectives, and policies which are set out in the Plan. The Vision and Goals of the OP strive to build an innovative, vibrant, attractive, safe, complete and healthy community.

The subject lands are designated 'Low Rise Residential' (Map 3) in the 2014 Official Plan. The existing Low Rise Residential land use designation permits a full range of low-density housing types which may include single detached dwellings, semi-detached dwellings, street townhouse dwellings, and low-rise multiple.

The applicant is proposing to change the land use designation to 'Medium Rise Residential' and to add Site Specific Policy No. 54 to the subject lands. The Medium Rise Residential designation permits medium density housing types including townhouse dwellings in a cluster development, multiple dwellings and special needs housing. The applicant is proposing to apply to a Site Specific Policy Area No. 54 to the subject lands to allow for a maximum Floor Space Ratio (FSR) of 2.5 whereas the Medium Rise Residential policies permit a maximum Floor Space Ratio of 2.0.

Urban Structure

The Official Plan establishes an Urban Structure for the City of Kitchener and provides policies for directing growth and development within this structure. Intensification Areas are targeted throughout the Built-up Area as key locations to accommodate and receive the majority of development or redevelopment for a variety of land uses. Primary Intensification Areas include the Urban Growth Centre, Major Transit Station Areas, Nodes and Corridors, in this hierarchy, according to Section 3.C.2.3 of the Official Plan. The subject lands are located within a Major Transit Station Area. The planned function of the Major Transit Station Areas is to provide densities that will support transit, and achieve a mix of residential, office, institutional and commercial uses. They are also intended to have streetscapes and a built form that is pedestrian-friendly and transit-oriented.

Policies also require that development applications in Major Transit Station Areas give consideration to the Transit-Oriented Development policies contained in Section 13.C.3.12 of the Official Plan. Generally, the Transit-Oriented Development policies support a compact urban form, that supports walking, cycling and the use of transit, by providing a mix of land uses in close proximity to transit stops, to support higher frequency transit service and optimize transit rider convenience. These policies also support developments which foster walkability by creating safe and comfortable pedestrian environments and a high-quality public realm. Staff is of the opinion that the proposed development will help to increase density in an area well served by nearby transit and rapid transit while being context sensitive to surrounding lands and provides excellent access to off-road pedestrian and cycling facilities.

Staff is of the opinion that the proposed Official Plan Amendment and Zoning By-law Amendment will support a development that not only complies with the City's policies for a Major Transit Station Area but also contributes to the vision for a sustainable and more environmentally-friendly city.

PARTS Rockway Plan

The subject lands are located within the PARTS Rockway Plan which is a guiding document that made recommendations for land uses within and around rapid transit station stops. The PARTS Rockway Plan made recommendation for amendments to the Secondary Plans within the MTSA, which have not yet been implemented. Some of the primary recommendations are to encourage the development of underutilized sites with higher density live-work environments and to increase housing supply with multi-unit residential while protecting existing stable neighbourhoods. The proposed development provides for a range of housing options and the proposed amendment is in keeping with the PARTS Rockway vision for development within and around the ION stops.

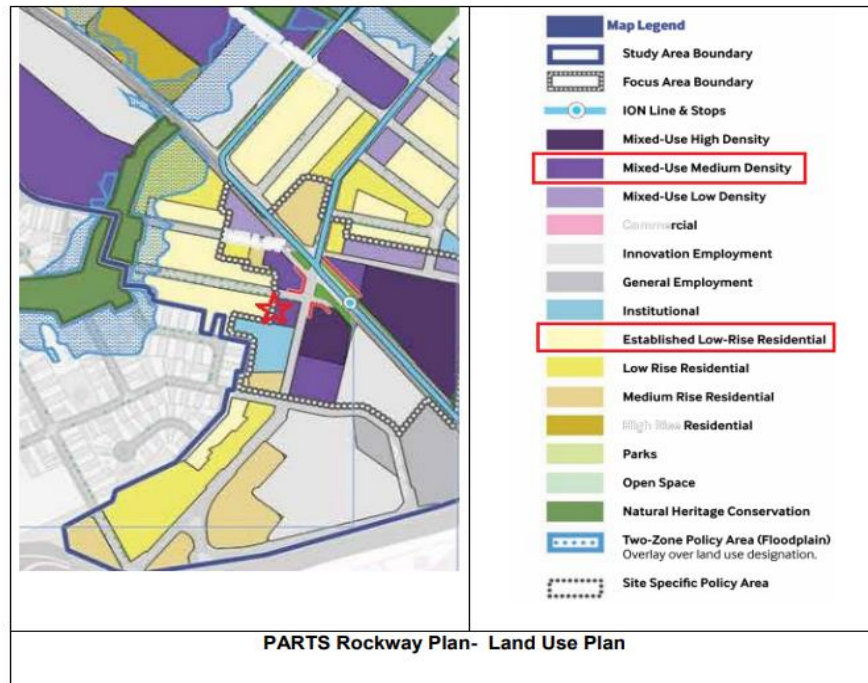


Figure 5: PARTS Rockway Land Use Plan

Neighbourhood Planning Review (NPR)

The subject lands are within the draft Rockway Secondary Plan, updated as part of the Neighbourhood Planning Reviews (NPR) project. A statutory public meeting was held December 9, 2019 regarding draft amendments to the plan. Under the proposed changes, the proposed land use for 7 of the 9 properties is Mixed Use (the Mixed Use land use designation is proposed for 368, 372, 374 and 382 Ottawa St. South, 107, 111 and 115 Pattandon Avenue) and two properties (99 and 103 Pattandon Ave) are proposed to be designated as Low Rise Residential Limited. The Mixed Use land use designation proposed through the neighbourhood planning review process has policies that allows for an 8-storey building up to 26 metres in height with a floor space ratio up to 4.0.

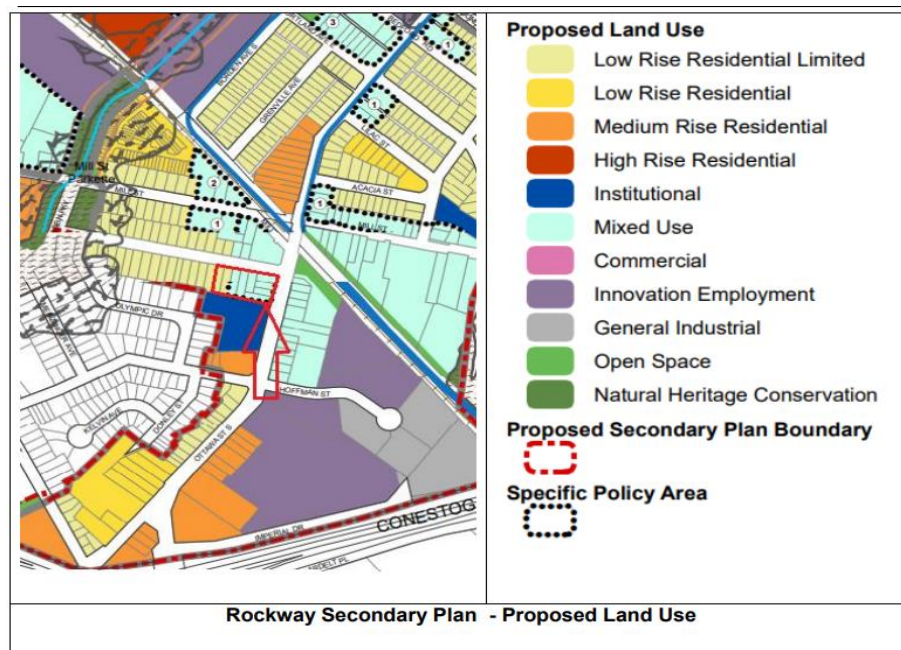


Figure 6: NPR Rockway Secondary Plan - Proposed Land Use Plan

As part of the NPR project, the subject lands are proposed to be zoned Mix-3 (Medium to High Rise Mixed Use Three Zone) and RES-3. MIX-3 is proposed to apply to 7 of the 9 properties (368, 372, 374 and 382 Ottawa St. South, 107, 111 and 115 Pattandon Avenue) while 99 and 103 Pattandon are proposed to be zoned RES-3. The proposed MIX-3 zone which implements the land use designation and allows for 8-storey buildings, 26 metres in height with a floor space ratio of up to 4.0.

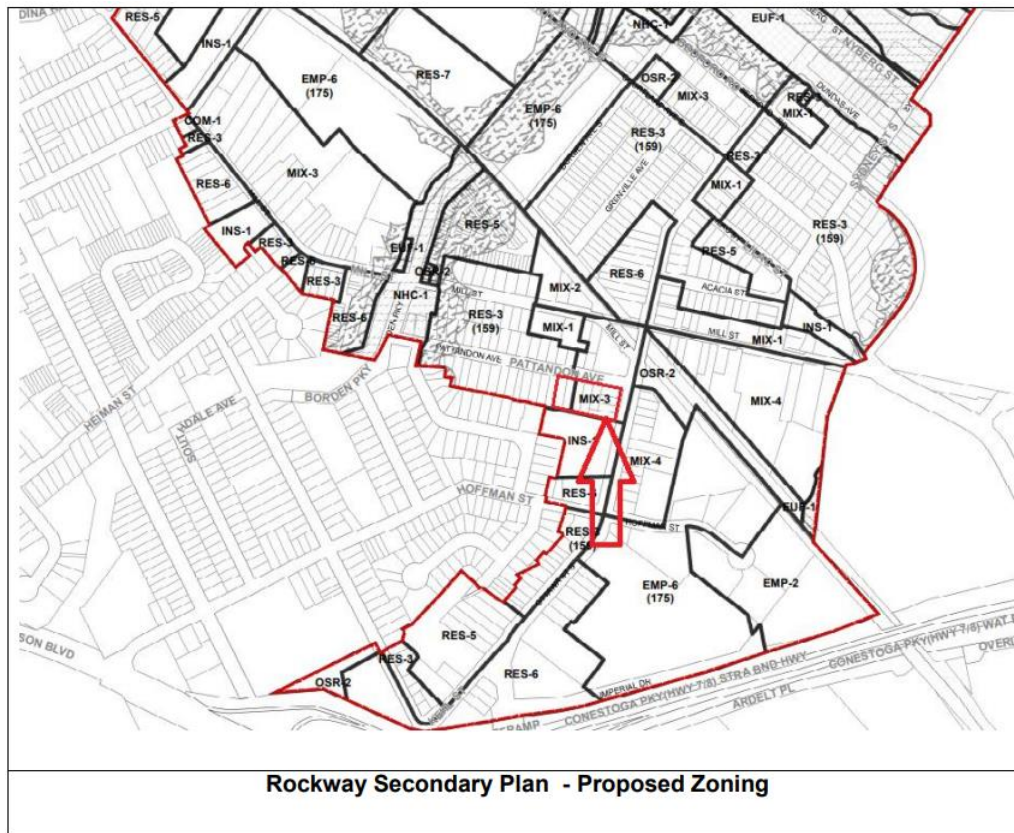


Figure 7: NPR Rockway Secondary Plan - Proposed Zoning

The proposed Official Plan Amendment to redesignate the lands Medium Rise Residential with the Site-Specific Policy No. 54, and the proposed Zoning By-law Amendment to zone the lands 'RES-6' zone with Site Specific Provision (348), proposes less density on the subject lands than what was proposed through the NPR project and proposes greater building setbacks than what would be required by the MIX-3 Zone.

The NPR project is under review and updated draft land use designations and zoning will be considered in 2023.

Urban Design Policies:

The City's urban design policies are outlined in Section 11 of the City's OP. In the opinion of staff, the proposed development satisfies these policies including: Streetscape; Safety; Universal Design; Site Design; Building Design, and Massing and Scale Design. To address these policies, an Urban Design Brief was submitted and has been reviewed by City staff. The Urban Design Brief is acceptable and outlines the vision and principles guiding the site design and informs the proposed zoning regulations.

Streetscape – A key design feature of the proposed development are street fronting units onto Ottawa Street and Pattandon Avenue. The ground floor units are proposed to incorporate patio areas with canopies located above along Ottawa Street and Pattandon Avenue. Enhanced landscaping plantings are proposed in front of the units. These units will have direct pedestrian connections to the sidewalk to animate both streets.

Safety – As with all developments that go through site plan approval, staff will ensure Crime Prevention through Environmental Design (CPTED) principles are achieved and that the site meets emergency services policies.

Universal Design – The development will be designed to comply with Accessibility for Ontarians with Disabilities Act and the Ontario Building Code.

Site Design, Building Design, Massing and Scale – The subject site is designed to have a building that will be developed at a scale that is compatible with the existing and planned surroundings. The front yard setbacks of the proposed building are compatible with existing adjacent properties. Building setbacks, on upper floors, are provided to mitigate overlook issues with adjacent residential properties. Ground floor units with patio areas and canopies are proposed along both Ottawa Street and Pattandon Avenue and along with building setbacks on upper floors will support a human-scale development at the Ottawa Street and Pattandon Avenue intersection. Enhanced screening such as landscaping and a visual barrier are required where the surface parking is adjacent to low-rise residential uses and public spaces.

Shadow Impact Study

The owner has completed a Shadow Impact Study in addition to the Urban Design Report. Staff have reviewed the study and are satisfied the shadow study meets the requirements outlined in the City of Kitchener Urban Design Manual. Shade-tolerant trees and plantings will be required along Pattandon Avenue where shadows will impact the street and sidewalk.

Transportation Policies:

The Official Plan supports an integrated transportation system which incorporates active transportation, allows for the movement of people and goods and promotes a vibrant, healthy community using land use designations and urban design initiatives that make a wide range of transportation choices viable. The subject lands are located in close proximity to the Mill ION station stop. The building has excellent access to cycling networks, including existing on and off-street cycling facilities and is located in close proximity to the Iron Horse Trail. The location of the subject lands, in the context of the City's integrated transportation system, supports the proposal for transit-oriented development on the subject lands.

Policy 3.C.2.22 states that until such time as Station Area Plans are completed and this Plan is amended accordingly, in the interim, any development application submitted within a Major Transit Station Area will be reviewed generally in accordance with the Transit-Oriented Development Policies included in Section 13.C.3.12

The proposed Official Plan Amendment and Zoning By-law Amendment applications support a more dense residential development. The location of the proposed buildings, secured through the proposed site-specific provisions, will result in a compatible built form that fosters walkability within a pedestrian-friendly environment that allows walking to be safe, comfortable, barrier-free and a convenient form of urban travel.

At future site plan approval processes, the design of the buildings will have to feature a high quality public realm to enhance the identity of the area and create gathering points for social interaction,

community events and other activities. Additionally, secured and visitor bicycle parking is required as part of the Zoning By-law.

Housing Policies:

Section 4.1.1 of the City's Official Plan contains policies with the primary objective to provide for an appropriate range, variety and mix of housing types and styles, densities, tenure and affordability to satisfy the varying housing needs of our community through all stages of life. The proposed development increases the range of dwelling units available in the city. The proposed mid-rise development represents the 'missing middle' that bridges the gap between low rise, low intensity dwellings, and high-rise towers. The development is contemplated to include a range of unit types including, one, two and three-bedroom units. The wide range of units, in this location, will appeal to a variety of household needs.

Sustainable Development

Section 7.C.4.1 of the City's Official Plan ensures developments will increasingly be sustainable by encouraging, supporting and, where appropriate, requiring:

- a) compact development and efficient built form;
- b) environmentally responsible design (from community design to building design) and construction practices;
- c) the integration, protection and enhancement of natural features and landscapes into building and site design;
- d) the reduction of resource consumption associated with development; and,
- e) transit-supportive development and redevelopment and the greater use of other active modes of transportation such as cycling and walking.

Development applications are required to demonstrate that the proposal meets the sustainable development policies of the Plan and that sustainable development design standards are achieved.

Sustainable development initiatives will be further explored at the site planning stage.

Official Plan Conclusions

The subject applications request that the land use designation as shown on Map 3 of the 2014 Official Plan be changed from 'Low Rise Residential' to 'Medium Rise Residential' with Site-Specific Policy Area No. 54. Based on the above policy and planning analysis, staff is of the opinion that the proposed Official Plan Amendment represents good planning and recommend that the proposed Official Plan Amendment be approved in the form shown in Appendix "A".

Proposed Zoning By-law Amendment:

The subject lands are zoned 'Residential Five Zone' (R-5) in Zoning By-law 85-1. The existing zoning permissions permit low rise built form dwellings including multiple dwellings (up to 3 units), semi-detached dwellings, single detached and duplex dwellings and detached additional dwelling units.

The applicant has requested an amendment change the zoning from 'Residential Five Zone' (R-5) in Zoning By-law 85-1 to 'Medium Rise Residential Six Zone' (RES-6) with Site Specific Provision (348) and Holding Provision 37H in Zoning By-law 2019-051.

Official Plan policies indicate that where special zoning regulations are requested for residential intensification or a redevelopment of lands, the overall impact of the site specific zoning regulations will consider compatibility with existing built form; appropriate massing and setbacks that support

and maintain streetscape and community character; appropriate buffering to mitigate adverse impacts, particularly with respect to privacy; avoidance of unacceptable adverse impacts by providing appropriate number of parking spaces and an appropriate landscaped/amenity area.

The applicant is seeking to amend the Zoning By-law to add Site Specific Provision (348) to Zoning By-law 2019-051. The proposed Site Specific Provision is to regulate building heights adjacent to low rise residential zones; to increase the Floor Space Ratio (FSR), to allow for a decreased parking rate; and to apply a Holding Provision to require an updated noise study.

Staff offer the following comments with respect to the proposed Site Specific Provision (348):

- a) That the maximum Floor Space Ratio shall be 2.5 and shall be calculated pre-road widening.

The purpose of this regulation is to cap the Floor Space Ratio and ensure development does not exceed the density presented in the concept plans.

- b) That parking be provided at a rate of 0.84 parking spaces per dwelling unit plus 0.1 visitor parking spaces per dwelling unit.

The purpose of this regulation is to provide for a parking rate which is appropriate for the development. The proposed ratio results in a parking rate of 0.94 parking spaces per dwelling unit (inclusive of visitor spaces). The subject lands will have adequate access to public transit and pedestrian/cycling networks and adequate bike storage will be provided within the development for residents. Planning and Transportation Services staff is of the opinion that the parking rate is appropriate for the subject lands.

- c) The minimum rear yard setback shall be:
 - i) 22.5 metres, for any portion of the building 4 or more storeys in height;
 - ii) 26.2 metres abutting any portion of the building 7 or more storeys;
 - iii) 33.3 metres for any portion of the building 8 storeys;

The purpose of this regulation is to regulate the building height adjacent to low rise residential properties and to ensure that there is an appropriate transition in height to the adjacent low rise residential properties. This regulation exceeds the building height transition requirement in Zoning By-law 2019-051 which requires a 15.0 metre setback for buildings 4 or more storeys in height.

- d) Geothermal Energy Systems shall be prohibited.

The Region of Waterloo has indicated Geothermal Energy Systems shall be prohibited to mitigate the risks associated with contaminants that will remain beneath the site when the property is redeveloped.

Staff offer the following comments with respect to Holding Provision 37H:

Official Plan policies require that holding provisions will be applied in those situations where it is necessary or desirable to zone lands for development or redevelopment in advance of the fulfillment of specific requirements and conditions, and where the details of the development or redevelopment have not yet been fully resolved. A Holding provision may be used in order to facilitate the implementation of the 'RES-6' zone and site specific provision. The City will enact a by-law to remove the holding symbol when all the conditions set out in the holding provision have been satisfied, permitting development or redevelopment in accordance with the zoning category assigned.

Holding Provision 37H

Planning staff are recommending the following holding provision as part of the Zoning By-law Amendment:

“No residential use shall be permitted until such time as a Stationary Noise Study is submitted and approved to the satisfaction of the Regional Commissioner of Planning, Housing and Community Services, if necessary. This Holding Provision shall not be removed until the City of Kitchener is in receipt of a letter from the Regional Commissioner of Planning, Housing and Community Services advising that such noise study or studies has been approved and an agreement, if necessary, has been entered into with the City and/or Region, as necessary, providing for the implementation of any recommended noise mitigation measures.”

A noise study was prepared in support of the proposed Zoning By-law and reviewed by the Region of Waterloo. Additional building noise mitigation measures will be reviewed through the site plan design and approvals process and an addendum to the noise study will be required prior to removal of the Holding Provision.

Proposed Zoning By-law Amendment Conclusions

Staff is of the opinion that the proposed Zoning By-law Amendment to change the zoning of the subject lands to ‘Medium Rise Residential Six Zone (RES-6)’ with Site-Specific Provision (348) and Holding Provision 37H represents good planning as it will facilitate the redevelopment of the lands with a multiple dwelling that is compatible with the existing neighbourhood, which will add visual interest at the street level, provide enhanced landscaping that will contribute to the streetscape, and which will appropriately accommodate on-site parking needs. Staff are supportive of the proposed development and recommend that the proposed Zoning By-law amendment be approved as shown in Appendix “A”.

Department and Agency Comments:

Circulation of the Official Plan Amendment and Zoning By-law Amendment was undertaken in April 2022 to all applicable City departments and other review authorities. No major concerns were identified by any commenting City department or agency and any necessary revisions and updates were made. Copies of the comments are found in Appendix “C” of this report.

The following Reports and Studies were considered as part of this proposed Official Plan Amendment and Zoning By-law Amendment:

Planning Justification Report

Prepared by: Patterson Planning Consultants Inc., March 2022

Urban Design Brief

Prepared by: Patterson Planning Consultants Inc., March 2022

Tree Management Plan

Prepared by: Hill Design Studio, December 2021

Existing Conditions, Servicing and Grading Plans

Prepared by: K Smart and Associates, November 2021

Functional Servicing Report, Geotechnical and Storm Water Management.

Prepared by: K Smart and Associates, December 2021

Community Input & Staff Responses

Staff received written responses from 18 residents with respect to the proposed development. These are included in Appendix 'D'. A Neighbourhood Meeting was held on June 16, 2022. In addition, staff had follow-up one-on-one correspondence with members of the public. A summary of what we heard, and staff responses are noted below.

What We Heard	Staff Comment
<p>Concerns the proposed development will create more traffic on Pattandon Avenue which is already being used as cut through by vehicles.</p>	<p>The subject lands have frontage along Pattandon Avenue which is a city owned street as well as frontage along Ottawa Street South which is a Regional arterial road. Pattandon Avenue recently went through traffic calming reconstruction to narrow the street to 7 metres wide and it was built to complete street standards. Ottawa Street is a Regional Road and the Region of Waterloo is recommending prohibiting left turns from Ottawa street onto Pattandon Avenue. This would eliminate the option for drivers to use Pattandon Avenue as a cut through street.</p>
<p>Loss of day light on adjacent properties</p>	<p>A Shadow Study has been submitted. Staff have reviewed the study and are satisfied the shadow study meets the minimum requirements, as related to shadow impacts and will have minimal impacts on adjacent properties.</p>
<p>An 8 storey building is too tall and residents have concerns with privacy into their yards.</p>	<p>The proposed building is setback significantly from adjacent low rise residential homes (22.5 metres) and building step backs are provided to mitigate overlook issues with adjacent residential properties.</p>
<p>Not enough parking is being provided.</p>	<p>A Parking Justification opinion letter was submitted and reviewed by Transportation Services staff who support the proposed parking rate of 0.84 per dwelling spaces per dwelling unit plus 0.1 visitor spaces per unit. The proposed development includes unbundled parking, is located within 100 metres to the Mill Station LRT stop and furthermore 0.5 Class A bicycle parking spaces per dwelling unit are required by the Zoning By-law as an active transportation measure.</p>
<p>Concerns that there is not adequate services for the site.</p>	<p>Engineering and Water Utilities staff have confirmed there is capacity in the sanitary sewer to permit intensification on the subject lands and adequate water services are available and that they have no concerns with the proposed development.</p>

Concerns the development will create flooding onto adjacent properties.	The City's Stormwater Management Policy requires the management of pre-existing to post-development conditions on the site. Additionally the first 12.5 mm of rain needs to be retained on site. This will need to be demonstrated that it can meet the City's Stormwater Management Policy at the site plan approval stage.
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Planning Conclusions

In considering the foregoing, staff are supportive of the proposed Official Plan Amendment and Zoning By-law Amendment to permit 368, 372, 374 and 382 Ottawa Street South 99, 103, 107, 111 and 115 Pattandon Avenue to be developed with an 8-storey multiple residential dwelling. Staff is of the opinion that the subject applications are consistent with policies of the Provincial Policy Statement (2020), conform to Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the City of Kitchener Official Plan and represent good planning. It is recommended that the applications be approved.

ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

The recommendation of this report supports the achievement of the City's strategic vision through the delivery of core service.

FINANCIAL IMPLICATIONS:

Capital Budget – The recommendation has no impact on the Capital Budget.

Operating Budget – The recommendation has no impact on the Operating Budget.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the Council / Committee meeting. A large notice sign was posted on the property and information regarding the application was posted to the City's website in April of 2022. Following the initial circulation referenced below, an additional postcard advising of the statutory public meeting was circulated to all residents and property owners within 240 metres of the subject lands, those responding to the preliminary circulation and who attended the Neighbourhood Meetings. Notice of the Statutory Public Meeting was also posted in The Record on August 19, 2022 (a copy of the Notice may be found in Appendix C).

CONSULT – The proposed Official Plan Amendment and Zoning By-law Amendment were circulated to residents and property owners within 240 metres of the subject lands on April 29, 2022. In response to this circulation, staff received written responses from 18 members of the public, which were summarized as part of this staff report. Planning staff also had one-on-one conversations with residents on the telephone and responded to emails.

PREVIOUS REPORTS/AUTHORITIES:

- Planning Act, R.S.O. 1990, c. P.13
- Growth Plan, 2020
- Provincial Policy Statement, 2020
- Region of Waterloo Official Plan
- City of Kitchener Official Plan, 2014

- PARTS Rockway Plan
- City of Kitchener Zoning By-law 85-1
- City of Kitchener Zoning By-law 2019-051

APPROVED BY: Readman, Justin - General Manager, Development Services

APPENDIXS:

- Appendix A – Proposed Official Plan Amendment
- Appendix B – Proposed Zoning By-law Amendment
- Appendix C – Newspaper Notice
- Appendix D – Department and Agency Comments
- Appendix E – Public Comments